

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masato FUJIOKA et al.

Title: THERAPEUTIC AGENTS FOR INNER EAR
DISORDERS CONTAINING AN IL-6
ANTAGONIST AS AN ACTIVE INGREDIENT

Appl. No.: 10/593,776

International 3/24/2005

Filing Date:

371(c) Date: 9/22/06

Examiner: Prema Maria MERTZ

Art Unit: 1646

Confirmation 4182

Number:

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Simon J. Elliott, declare:

Deposits under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure have been made as follows:

1. The cell line which produces PM-1 antibody, deposited on July 12, 1989, with the Fermentation Research Institute, Agency of Industrial Science and Technology, 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305 Japan, and accorded Accession No. FERM BP-2998. (The cell line was originally deposited on July 12, 1989, accorded Accession No. FERM P-10839, and was then transferred to Accession No. FERM BP-2998 on July 10, 1990.)

2. The hybridoma cell line which produces MR16-1 antibody, deposited on March 13, 1997, with the National Institute of Bioscience and Human Technology, Agency of Industrial

Science and Technology, 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305 Japan, and accorded Accession No. FERM BP-5875.

3. The name and address of the depository institute has been changed to "the National Institute of Advanced Industrial Science and Technology, Patent and Bio-Resource Center, Chuo-6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305-5466, Japan."

4. Copies of the receipts of original deposits, and English translations, of the above-identified international deposits were submitted on September 30, 2008.

5. The deposit shall be made for a term of at least thirty (30) years, and at least five (5) years after the most recent request for the furnishing of a sample of the deposit was received by the depository. Samples will be stored under agreements that would make them available beyond the enforceable life of the patent for which the deposit was made. 37 C.F.R. § 1.806.

6. All restrictions on the availability to the public of the cultures deposited will be irrevocably removed upon the granting of a patent from the above-identified application. 37 C.F.R. § 1.808.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully submitted,

Date October 16, 2008

By Simon J. Elliott

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